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DAVA BETTS

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

DAVA BETTS,	)	<b>Case No.: 8:15-cv-1735</b>
	)	
Plaintiff,	)	<b>COMPLAINT</b>
	)	
v.	)	<b>(Unlawful Debt Collection Practices)</b>
	)	
GC SERVICES, LP,	)	
	)	
	)	
Defendant.	)	

DAVA BETTS (Plaintiff), by attorneys, KROHN & MOSS, LTD., alleges the following  
against GC SERVICES, LP (Defendant):

**INTRODUCTION**

- Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).
- Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788 *et seq.* (RFDCPA).

**JURISDICTION AND VENUE**

- Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and 28 U.S.C. 1367 grants this court supplemental jurisdiction over the state claims contained therein.

1 4. Defendant conducts business in the state of California, and therefore, personal  
2 jurisdiction is established.

3 5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

4 **PARTIES**

5 6. Plaintiff is a natural person residing in Laguna Beach, Orange County, California.

6 7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3) and Defendant is  
7 attempting to collect a debt by communicating with Plaintiff as that term is defined by 15  
8 U.S.C. 1692a(5) and Cal. Civ. Code § 1788.2(h).

9 8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and Cal. Civ.  
10 Code §1788.2(c), and sought to collect a consumer debt by contacting Plaintiff.

11 9. Defendant is a debt collection organization located in Houston, Texas and conducts  
12 business in California.

13 10. At all times relevant to this Complaint, Defendant has acted through its agents  
14 employees, officers, members, directors, heir, successors, assigns, principals, trustees,  
15 sureties, subrogees, representatives and insurers in the District of California.

16 **FACTUAL ALLEGATIONS**

17 11. Defendant places collection calls to Plaintiff in an attempt to collect an alleged debt

18 12. Plaintiff's alleged debt arises from transactions for personal, household, and/or family  
19 purposes.

20 13. Defendant places collection calls to Plaintiff at 740-412-04xx.

21 14. In or around September of 2015, Defendant placed a collection call to Plaintiff and  
22 left a voicemail message.

23 15. In the voicemail message, Defendant's representative failed to disclose the name of  
24 the company placing the call, failed to state that the call was being placed by a debt  
25

1 collector, and failed to state that the call was being placed to collect an alleged debt.  
2 See Transcribed Voicemail Message attached hereto as Exhibit "A".

3 16. In the voicemail message, Defendant's representative directed Plaintiff to return the  
4 call to 800-846-6406 extension 5057, which is a number that belongs to Defendant.  
5 See Exhibit "A".

6 17. Defendant is using false, deceptive and misleading means in connection with  
7 attempting to collect a debt by not identifying the purpose of its phone calls or that  
8 they are an attempt to collect a debt.

9  
10 **COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

11 18. Defendant violated the FDCPA based on the following:

12 a. Defendant violated §1692d(6) of the FDCPA by placing collection calls to  
13 Plaintiff without meaningful disclosure of the caller's identity.

14 b. Defendant violated § 1692e(11) of the FDCPA by failing to disclose in its  
15 communications with Plaintiff that the communication was from a debt collector.  
16

17 WHEREFORE, Plaintiff, DAVA BETTS respectfully requests judgment be entered  
18 against Defendant, GC SERVICES, LP, for the following:

19 19. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C.  
20 1692k,

21 20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices  
22 Act, 15 U.S.C. 1692k

23 21. Any other relief that this Honorable Court deems appropriate.  
24  
25

**COUNT II**  
**DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**  
**PRACTICES ACT**

22. Plaintiff repeats and re-alleges all of the allegations in Count I of Plaintiff's Complaint as the allegations in Count II of Plaintiff's Complaint.

23. Defendant violated the RFDCPA based on the following:

a. Defendant violated the §1788.17 of the RFDCPA by failing to comply with the statutory regulations contained within the FDCPA, 15 U.S.C. § 1692 *et seq.*

WHEREFORE, Plaintiff, DAVA BETTS, respectfully requests judgment be entered against Defendant, GC SERVICES, LP, for the following:

24. Statutory damages pursuant to the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788.30(b),

25. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection Practices Act, Cal. Civ Code § 1788.30(c), and

26. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: October 27, 2015

KROHN & MOSS, LTD.

By: /s/ Ryan Lee

Ryan Lee  
Attorney for Plaintiff